

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUICKEN LOANS, INC.,

Defendant.

Case No. 16-cv-14050

HON. MARK A. GOLDSMITH

ORDER DENYING GOVERNMENT’S EMERGENCY MOTION TO STRIKE (Dkt. 289)

This matter is before the Court on the Government’s emergency motion to strike Quicken’s motion for summary judgment (Dkt. 289). The Government argues that the motion for summary judgment should be struck for multiple reasons: (i) Quicken violated the Court’s order regarding summary judgment motion formatting (Dkt. 168) by exceeding the 80-page limit; (ii) Quicken presented new expert opinions in its motion; and (iii) Quicken relied on factual declarations it withheld as privileged during discovery. As to the first, the Government claims that “Quicken placed both facts and the specific references and citations to support the motion into 234 pages of declarations, charts, indexes, and exhibits,” Mot. at 9, including a 60-page index of exhibits and multiple declarations which contain details not included in Quicken’s briefing.

Regarding the index, the Court denies the motion. The index streamlines the citation process in a way which would have been impossibly shorthanded had Quicken included it with its statement of material facts; further, the Government adopted the same exact process, attaching a glossary and an index to the statement of material facts (Dkts. 176-2, 176-3) that it did not count

towards its 80 pages.¹ As for the declarations and the allegedly new opinions and factual statements, the Court denies the motion with the following caveat. If the Government later establishes that the declarations contain evidence beyond that included in the statement of material facts, or that Quicken did present new expert opinions or factual matters that were previously withheld as privileged, the Court may disregard such facts in deciding the summary judgment motions and may also impose sanctions on Quicken.

SO ORDERED.

Dated: February 25, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

¹ The Government may argue that each fact in its own statement of material facts at least includes the shorthand citation that refers to its index, but Quicken also included a footnote explaining that “[e]ach paragraph in the SOF is supported by record citations and evidence listed in the identically numbered index and found behind the identically numbered tab.” See Quicken Mot. for Summ. J. at 1, n.1 (Dkt. 178-1).